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10 UNITED STATES BANKRUPTCY COURT  
11 FOR THE EASTERN DISTRICT OF WASHINGTON  
12

13 In re:

NO. 17-02440-FLK11

14 47 HOPS, LLC ,

15 Debtor.  
16

EX PARTE APPLICATION FOR ORDER  
DIRECTING RULE 2004 EXAMINATION  
OF DOUGLAS MACKINNON

17 The Unsecured Creditors' Committee, by and through undersigned counsel, respectfully  
18 requests that the Court enter an order directing Douglas MacKinnon to (1) appear and testify  
19 relating to, among other things, the Debtor's First Amended Plan of Reorganization ("**First**  
20 **Amended Plan**"), the feasibility of same, the Debtor's affiliates, their operations, and  
21 intercompany transfers, on April 26, 2018<sup>1</sup> at a location in Yakima or Seattle, Washington, to be  
22 designated by the Committee, and (2) produce documents described in the Subpoena attached as  
23 Appendix A to the Order Directing 2004 Examination of Douglas MacKinnon submitted  
24 herewith on or before April 19, 2018. Mr. MacKinnon's testimony will be audio-recorded,  
25 digitally recorded, and/or stenographically recorded.  
26

<sup>1</sup> The Committee will work with Mr. MacKinnon to determine a date for examination prior to April 26, 2018.

1 Bankruptcy Rule 2004 is quite broad and permits the examination of any entity as to a  
2 debtor's financial affairs, including, "any matter which may affect the administration of the  
3 debtor's estate," and in a chapter 11 reorganization case, "the operation of any business and the  
4 desirability of its continuance, the source of any money or property acquired or to be acquired by  
5 the debtor for purposes of consummating a plan and . . . any other matter relevant to the case or  
6 to the formulation of a plan." Fed. R. Bank. P. 2004(b).

7 Here, the Committee believes that the records and information it seeks are necessary to a  
8 full understanding of pre-petition transfers from the Debtor to affiliates, including the  
9 MacKinnons, the best interests of creditors under 11 U.S.C. § 1129(a)(7)(A), the First Amended  
10 Plan, its feasibility, and the Committee's ability to continue to negotiate the terms of same.  
11 Accordingly, the Committee respectfully requests that the Court enter an Order granting this  
12 Application and directing Mr. MacKinnon to appear and testify at a date and time to be  
13 determined by the parties, and to produce the documents designated by the Subpoena Duces  
14 Tecum attached as Appendix A to the Order no later than **end of business day**, April 19, 2018.

15  
16 RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of April, 2018.

17 CAIRNCROSS & HEMPELMANN, P.S.

18  
19 /s/ John R. Rizzardi

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